

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-3470, 16-3552, 16-3867 & 16-3868

IN RE: PETITION OF FRESCATI SHIPPING COMPANY, LTD.,
AS OWNER OF THE M/T ATHOS I and TSAKOS SHIPPING
& TRADING, S.A., AS MANAGER OF THE ATHOS I
FOR EXONERATION FROM OR LIMITATION OF LIABILITY
(E.D. Pa. No. 2-05-cv-00305)

UNITED STATES OF AMERICA

v.

CITGO ASPHALT REFINING COMPANY;
CITGO PETROLEUM CORPORATION;
CITGO EAST COAST CORPORATION
(E.D. Pa. No. 2-08-cv-02898)

CITGO Asphalt Refining Company;
CITGO Petroleum Corporation;
CITGO East Coast Oil Corporation,
Appellants in Nos. 16-3470; 16-3552

Frescati Shipping Company, Ltd.;
Tsakos Shipping and Trading, S.A.,
Appellants in No. 16-3867

United States of America
Appellant in No. 16-3868

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Court Nos. 2-05-cv-00305; 2-08-cv-02898
District Judge: The Honorable Joel H. Slomsky

Argued November 8, 2017

Before: SMITH, *Chief Judge*, HARDIMAN,
Circuit Judge, and BRANN, *District Judge*^{*}

JUDGMENT

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was argued on November 8, 2017.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court dated August 17, 2016 is AFFIRMED IN PART, VACATED IN PART, and REVERSED IN PART. The District Court's judgment in favor of Frescati on the breach of contract claim and the prejudgment interest award is AFFIRMED. The District Court's judgment in favor of Frescati on the negligence claim is VACATED. The District Court's judgment in favor of the United States is AFFIRMED IN PART with respect to CARCO's liability on the subrogated breach of contract claim, but the judgment is REVERSED and REMANDED for further proceedings in light of our equitable

^{*}The Honorable Matthew W. Brann, United States District Judge for the Middle District of Pennsylvania, sitting by designation.

recoupment ruling for the purpose of recalculating damages and prejudgment interest. The District Court's order dated April 9, 2015, denying CARCO's motion for partial summary judgment on its limitation of liability defense, is AFFIRMED. The parties shall bear their own costs.

Attest:

s/ Patricia S. Dodszuweit
Clerk

DATED: March 29, 2018



Teste: *Patricia S. Dodszuweit*
Clerk, U.S. Court of Appeals for the Third Circuit